

Minutes for the Annual Town Meeting held June 12, 2021

Pursuant to the provisions of the foregoing warrant, the voters assembled at the Nauset Regional High School Football Field to vote on the following articles with actions as noted. In accordance with Section 7 of "An Act Relative to Municipal Governance during the COVID-19 emergency" (S2680) the meeting date was moved from May 3, 2021 to June 12, 2021. The quorum was declared by the Town Clerk and the Moderator called the meeting to order at 11:05 a.m. after a one hour rain delay with 341 voters in attendance.

ARTICLE 1 (AUTHORIZATION & SPENDING LIMITS FOR REVOLVING ACCOUNTS)

A motion was made and seconded by the Select Board to accept the Fiscal Year 2022 spending limits for all revolving funds as follows:

Revolving Fund	Spending Limit
Recreation Bottles & Cans	25,000
Home Composting	2,000
Bin/Recycling	
Vehicular Fuel Sales	40,000
COA/Day Center	12,500

Passed – Majority vote declared by Moderator
Count: Yes 278 No 12

ARTICLE 2A (GENERAL FUND OPERATING BUDGET)

A motion was made and seconded by the Select Board to accept the operating budget, including recommendations and reports of the Board of Selectmen, Finance Committee and other Town Officials, and to see if the Town will vote to raise and appropriate or transfer from receipts reserved and other available funds and accounts, the sum of **\$32,807,105**.

And, furthermore, that the Town vote to accept the provisions of Massachusetts General Law, Chapter 71, Section 16B, which allocates the budget of the Nauset Regional School District in accordance with the Regional Agreement rather than the Education Reform Formula.

Amounts Appropriated:	FY 2021 Budget	FY 2022 Budget
Salaries and Wages	\$ 86,906	\$ 89,328
Expenses	307,500	310,672
Transfer for Costs Appropriated in General Fund		
Total Amounts Appropriated	\$ 394,406	\$ 400,000
Funding Sources:		
Water Revenue	\$ 250,000	\$ 400,000
Free Cash (General Fund Subsidy)	144,406	
Total Funding Sources	\$ 394,406	\$ 400,000

Passed - Majority vote declared by Moderator
Count: Yes 276 No 27

Article 2B

A motion was made and seconded by the Select Board to raise and appropriate from Water Enterprise Revenues the sum of \$400,000 for the Water Enterprise Fund operating budget for the fiscal year 2022.

Passed - Majority vote declared by Moderator
Count: Yes 283 No 20

**ARTICLE 3A (5 YEAR CAPITAL PLAN) &
ARTICLE 3B (CAPITAL BUDGET) Consolidated:**

A motion was made and seconded by the Select Board in accordance with the requirements of the Town of Eastham Home Rule Charter Section 6-6A to accept the five-year Capital Improvement Plan for Fiscal Year 2022 through 2026 as printed in the warrant. Furthermore, I move to raise and appropriate the sum of 1,576,500 for the purpose of acquiring the items and undertaking the improvements as printed in the warrant at article 3B, and to defray this amount, transfer the following amounts from the following funds:

Transfer from Free Cash	864,000	
Transfer from the Ambulance Receipts Reserved Fund	15,000	
Transfer from PEG Access Fund	20,000	
Reappropriate unspent balances from the following articles from prior Town Meetings:		
Article 10 of the May, 2019 Annual Town Meeting	50,000	info only: Emergency response to beaches for sharks, approp. \$75k, only spent \$25k
Article 7 of the FY 2010 Annual Town Meeting	6,543.85	Info only: old/unused NRSD capital article
Article 13 of the May, 2018 Annual Town Meeting – various lines	80,000	Info only: line 10-copiers \$10k; line 33 FD computer enhancements \$20k; line 21 First Encounter bathhouse plan \$25k; line 37-Land acquisition (unallocated) \$25k
Article 20 of the FY 2004 Annual Town Meeting	15,447.64	Info only: unspent proceeds of Roach prop acquisition
Article 13 of the FY 2004 Annual Town Meeting	6,412.92	Info only: unspent proceed of Recycling facility construction.
Article 21 from the FY 2002 Annual Town Meeting	41,595.59	Info only: unspent proceeds of EES renovation.

Passed - Majority vote declared by Moderator
Count: Yes 286 No 22

ARTICLE 3C (LEASE PURCHASE AMBULANCE)

A motion was made and seconded by the Select Board to accept, under General Laws Chapter 44, Section 21C, a lease purchase financing agreement for the acquisition of two ambulances for the Fire Department for a term of up to the useful life of said equipment, and to fund the first year of said lease, appropriate and transfer from the ambulance fund the sum of \$118,420.

Passed – Two-Thirds declared by Moderator
Count: Yes 310 No 11

ARTICLE 3D (LEASE PURCHASE QUINT)

A motion was made and seconded by the Select Board to accept, under General Laws Chapter 44, Section 21C, a lease purchase financing agreement for the acquisition of a Quint Fire Engine for the Fire Department for a term of up to the useful life of said equipment, and to fund the first year of said lease, appropriate and transfer from the ambulance fund the sum of \$114,766.

Passed - Two-Thirds declared by Moderator
Count: Yes 297 No 19

ARTICLE 4 (FREE CASH APPROPRIATIONS)

A motion was made and seconded by the Select Board to accept and appropriate from Free Cash, and/or transfer from available funds, a sum of monies for the following purposes:

Fund	Amount
Transfer to Stabilization Fund	780,000
Transfer to Other Post-Employment Benefit Trust Fund	200,000
Fund T-Time Master Plan	50,000
Fund Private Road Repair Fund	100,000
Fund Seashore Land Transfer Costs	75,000
Beach & Recreation Enforcement	25,000
Total	\$ 1,230,000

Passed - Majority declared by Moderator
Count: Yes 285 No 31

ARTICLE 5 (ADOPT INJURY LEAVE INDEMNITY FUND)

A motion was made and seconded by the Select Board to accept the last paragraph of G.L. c.41, section 111F to create a special fund to be known as the Injury Leave Indemnity Fund, to be expended without further appropriation for payment of injury leave compensation or medical bills incurred under G.L. c.41, section 111F or 100, to which appropriations may be made, and amounts received from insurance proceeds or restitution for injuries to firefighters or police officers shall be credited, provided that amounts therein not immediately necessary or required in the foreseeable future, may be released to the General Fund; and further, to raise and appropriate \$70,000 from Free Cash to transfer to said fund.

Passed - Majority declared by Moderator
Count: Yes 291 No 22

ARTICLE 6 (GOLD STAR EXEMPTION)

A motion was made and seconded by the Select Board to adopt G.L. c. 59, §5, Clause 22H, under the provisions of Massachusetts General Laws, which provides as follows:

To exempt Real estate to the full amount of the taxable valuation of real property of the surviving parents or guardians of soldiers and sailors, members of the National Guard and veterans who: (i) during active duty service, suffered an injury or illness documented by the United States Department of Veterans Affairs or a branch of the armed forces that was a proximate cause of their death; or (ii) are missing in action with a presumptive finding of death as a result of active duty service as members of the armed forces of the United States; provided, however, that the real estate shall be occupied by the surviving parents or guardians as the surviving parents' or guardians' domicile; and provided further, that the surviving parents or guardians shall have been domiciled in the commonwealth for the 5 consecutive years immediately before the date of filing for an exemption pursuant to this clause or the soldier or sailor, member of the National Guard or veteran was domiciled in the commonwealth for not less than 6 months before entering service.

Surviving parents or guardians eligible for an exemption pursuant to this clause shall be eligible regardless of when the soldier, sailor, member of the National Guard or veteran died or became missing in action with a presumptive finding of death; provided, however, that the exemption shall

only apply to tax years beginning on or after January 1, 2019. Such exemption shall be available until such time as the surviving parents or guardians are deceased. No real estate shall be so exempt which has been conveyed to the surviving parents or guardians to evade taxation.

Passed - Majority declared by Moderator
Count: Yes 288 No 33

ARTICLE 7 (AUTHORIZE SALE OF 0 NAUSET LIGHT BEACH ROAD)

A motion was made and seconded by the Select Board to convey the fee simple title or a lesser interest in a certain parcel of land known as) Nauset Light Beach Rear, Eastham shown on a plan of land as lots 12, 13 and 14 in block 4 on the plan entitled, “ Nauset Beach Plan No. 5, Eastham, MA prepared by Tully Crosby in 1898, recorded with the Barnstable County Registry of Deeds in Plan Book 24-41, on such terms and conditions as the Board of Selectmen deem in the Town’s best interest; and further to authorize the Board of Selectmen to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said conveyance.

Passed – Two Thirds declared by Moderator
Count: Yes 280 No 42

ARTICLE 8 (AUTHORIZE INCREASE IN ROOMS EXCISE TAX)

A motion was made and seconded by the Select Board to amend the local room occupancy excise under G.L. c. 64G, §3A to 6% percent, to take effect as of January 1, 2022; or to take any other action relative thereto.

Passed - Majority declared by Moderator
Count: Yes 291 No 30

ARTICLE 9 (HOME RULE PETITION AUTHORIZING THE TOWN OF EASTHAM TO MAKE PERMANENT UTILITY IMPROVEMENTS TO PRIVATE WAYS AND ASSESS BETTERMENTS THEREFOR)

A motion was made and seconded by the Select Board to petition the General Court for special legislation , in the form set forth below, in order to authorize the Town to appropriate money to undertake utility improvements on private roads; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition.

AN ACT RELATIVE TO UTILITY IMPROVEMENTS ON PRIVATE ROADS IN THE TOWN OF EASTHAM

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Notwithstanding the provisions of section six N of chapter forty of the General Laws or any other general or special law to the contrary, the town of Eastham is hereby authorized to make permanent utility repairs and/or improvements on private ways in the town, appropriate money and contract with public utility companies for such purposes, and assess betterments for costs incurred by the town therefor in accordance with the procedures set forth in chapter 118 of the town of Eastham code, as amended

Section 2. Notwithstanding the provisions of any general or special law to the contrary, the town of Eastham is authorized to borrow, from time to time, such sums as may be necessary for the purposes set forth in section 1 of this Act, provided that any debt incurred shall be subject to the provisions of chapter forty-four and shall not exceed twenty years.

Section 3. Any appropriation or borrowing by the town for purposes contained within this section shall not be included for the purpose of computation of the levy or borrowing limits otherwise imposed upon the town by the general laws.

Section 4. This Act shall take effect upon its passage.
Or to take any other action relative thereto.

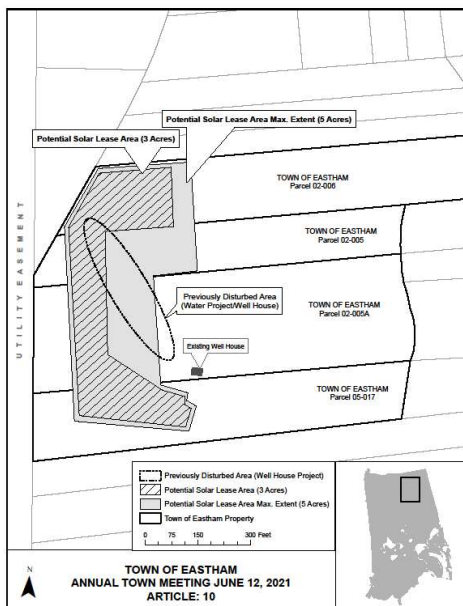
Passed - Majority declared by Moderator
Count: Yes 297 No 31

ARTICLE 10 (AUTHORIZE LEASE TERM UP TO 30 YEARS FOR SOLAR)

A motion was made and seconded by the Select Board to enter into long-term leases, licenses, agreements, or other contractual agreements on behalf of the Town, for a period of up to 30 years, subject to such terms and conditions as the Select Board shall deem to be in the best interest of the Town, for all or part of any of the following Town-owned properties:

Item	Location	Street Address	Assessor Map Parcel ID(s)
A	Town Hall Campus (Town Hall, Police & Fire Stations)	2500, 2520 and 2550 State Hwy.	15-60A, 15-60, 15-61
B	DPW Facility & Transfer Station	555 Old Orchard Road	08-89
C	District G Wellhouse site, North Eastham & surrounding lands	0 Old County Road	02-6, 02-5, 02-5A, 05-17

for the purposes of developing, sponsoring, administering, installing, operating, and maintaining solar photovoltaic energy systems and supplying solar energy, and further to authorize the Select Board and Town Administrator to take such actions as may be necessary under Massachusetts law to effectuate said agreements; provided that the specific areas to be leased for Item/Location “C”.



Motion to amend and delete Item “C” (Items A & B remain)
Passed Two Thirds declared by Moderator to amend article
Count: Yes 284 No 38

Amended article passed Two Thirds declared by Moderator
Count: Yes 305 No 18

ARTICLE 11 (AUTHORIZE PURCHASE OF TOWN CENTER PLAZA, LLC, 4550 STATE HIGHWAY)

A motion was made and seconded by the Select Board to purchase the parcel of land located at 4550 State Highway, Parcel 8-193-B, consisting of 3.536 acres, more or less, to be placed under the care, custody, management and control of the Select Board and held for general municipal purposes; and further that the sum of Three Million Eighty Thousand Dollars (\$3,080,000), be appropriated for this purchase, to make improvements thereon, and for costs incidental and related thereto; and to meet this appropriation, the Treasurer, with approval of the Select Board, is authorized to borrow the sum of Three Million Eighty Thousand Dollars (\$3,080,000) pursuant to General Law Chapter 44 section 7(1), or any other enabling authority, and to issue bonds or notes therefor; and provided further that any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with General Law Chapter 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Passed – Two Thirds declared by Moderator
Count: Yes 293 No 34

ARTICLE 12 (GENERAL BYLAW - ADOPT MA STRETCH CODE REGULATIONS)

A motion was made and seconded by the Select Board to enact Chapter 137 of the Town of Eastham General Bylaws, entitled “Stretch Energy Code” for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the Stretch Energy Code, including future editions, amendments or modifications thereto, with an effective date of July 1, 2021 as illustrated below, or take any other action relative thereto.

Chapter 137

STRETCH ENERGY CODE

§ 137-1 Definitions

§ 137-2 Purpose

§ 137-3 Applicability

§ 137-4 Stretch Code

§ 137-1 Definitions

International Energy Conservation Code (IECC) - The International Energy Conservation Code (IECC) is a building energy code created by the [International Code Council](#). It is a model code adopted by many state and municipal governments in the [United States](#) for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

§ 137-2 Purpose

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant sections of the building code for new buildings.

§ 137-3 Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 115.AA, as indicated.

§ 137-4 Stretch Code

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into the Town of Eastham General Bylaws, Chapter 137.

The Stretch Code is enforceable by the inspector of buildings or building commissioner and effective as of July 1, 2021, or after approval by the Attorney General.

Passed - Majority declared by Moderator

Count: Yes 253 No 21

ARTICLE 13 (GENERAL BYLAW – UPDATE DRIVING ON THE BEACH)

A motion was made and seconded by the Select Board to amend the Eastham General Bylaws- Beaches, Chapter 26, Sections 1.B. Operations Restrictions, and add Section 26-4 Severability and 26-5 Penalties, as follows:

UNDERLINE = Proposed New Language
~~STRIKETHROUGH~~ = Proposed Language for Deletion

Town of Eastham BEACH BYLAW

Beaches

§ 26-1. Operation restrictions

Operation of dune buggies, motorcycles, minibikes, snowmobiles, all-terrain vehicles and ground effect or air-cushioned vehicles are prohibited from all flats, beaches, dunes and marshes within the Town of Eastham. Only vehicles with properly operative four-wheel drive shall be allowed to operate on beaches within the Town of Eastham, and all such operations shall be restricted as follows:

- A. All vehicles shall be registered for over-the-sand use at the Eastham Selectmen's office and shall receive a permit which may be suspended or revoked for cause by the Selectmen.
- B. All operation of vehicles on the beaches and flats located on the western shore of Eastham shall be prohibited during the months of June, July, August and September; **with the exception of vehicles necessary for aquaculture grant holder access who have met the conditions of the Conservation Commission and been duly permitted to drive at times and in places designated by the town each year.**
- C. All operation of vehicles shall be prohibited from the beach, dune and marsh area lying south of Coast Guard Beach. [Amended 5-4-1998 ATM by Article 4]
- D. Maximum speed limit on any beach area shall not exceed 15 miles per hour.
- E. All vehicles operating on the beach shall be equipped with a shovel, vehicle jack, board or other suitable jack support, spare tire, low-pressure gauge, tow rope or strap.
- F. No vehicle shall operate upon any beach vegetation, dune or marsh within the Town of Eastham.

§ 26-2. Ban and limits on number of vehicles

The Board of Selectmen shall have the right to ban or limit the number of four-wheel drive vehicles operating or parking in any beach area and may, after a public hearing, prohibit, restrict or regulate such vehicle use if, in its judgement, such limitation, restriction or prohibition is appropriate to protect the public welfare and preserve the natural environment.

§ 26-3. Exceptions

This bylaw shall not apply to Town, county, state or federal vehicles operated by authorized personnel acting in an official capacity.

§ 26-4 Severability

If any section, paragraph, sentence clause, or phrase of this Bylaw is held invalid or unconstitutional, such portion shall be deemed a separate and distinct provision and such decision shall not affect the validity of the remaining portions of these Bylaw which shall remain in force and effect; and to this end, the provisions of this Bylaw are hereby declared severable.

~~§ 26-4 26-5. Violations and penalties. Whoever violates the provisions of this bylaw shall be subject to a fine in an amount not to exceed \$200 for each offense and/or suspension or revocation of the over the~~

sand permit. In addition to any other legal remedies that may be available, any designated enforcing person, may enforce this By-law by Non-Criminal Disposition. If a Non-Criminal Disposition process, as provided in Massachusetts General Laws, Chapter 40, Section 21D and Section 1-2 of the Town's General Bylaws is elected, then any person who violates the provisions of this bylaw shall be subject to the following enforcement fines and penalties.

The enforcing officer may give a written Warning for the first offense or shall impose the following fines:

First Offense: \$50.00

Second Offense: \$100.00

Third Offense and subsequent offenses: \$300.00

Each day or portion thereof shall constitute a separate offense. If more than one, each provision violated shall constitute a separate offense.

The Town may enforce this Bylaw or enjoin violations thereof through any lawful process, and the election of one remedy by the Town shall not preclude enforcement through any other lawful means

In addition to a fine, violation of any provision of this bylaw may, after a public hearing held by the Select Board, result in loss of any or all of the following Town permits for one year from the date of the violation: Over-the-Sand Permit, Shellfish Permit, Freshwater Launch Permit, Mooring Permit, Vessel Storage Permit.

Passed - Majority declared by Moderator

Count: Yes 242 No 27

ARTICLE 14A (GENERAL BYLAW – BOATING/FRESHWATER PONDS)

A motion was made and seconded by the Select Board to amend the Eastham General Bylaws - Boating, Chapter 30, Sections 30-3 Horsepower Limit, and 30-5(A-J) Operation on Freshwater Ponds, as follows:

UNDERLINE = Proposed New Language
~~STRIKETHROUGH~~ = Proposed Language for Deletion

Town of Eastham **BOATING BYLAW**

§ 30-3. Horsepower limit. No motorboat or vessel shall be operated on any pond other than Great Pond that has a total horsepower in excess of three as defined by manufacturer's specification.

§ 30-5. Operation on freshwater ponds. No person shall operate, or permit to be operated, any motorboat or vessel, except a seaplane, on any freshwater pond in the Town of Eastham which violates any of the following regulations:

- A.** No motorboat or vessel shall be operated on, or placed on, any freshwater pond without an annual inspection permit from the Natural Resources Department of Eastham. Said permit shall be kept on board and available for examination.
- B.** No motorboat or vessel shall be operated at a speed in excess of 30 miles per hour.
- C.** No motorboat or vessel shall be operated by a minor under the age of 16 years without a person 18 years, or over, aboard.
- D.** The maximum horsepower for all motorboats and vessels operated on Great Pond is fifty (50) horsepower.
- E.** The maximum horsepower for all motorboats and vessels operated on all other freshwater ponds in Eastham other than Great Pond is three (3) horsepower. ~~No motorboat or vessel shall be operated has a total horsepower in excess of 50 as defined by manufacturer's specifications.~~

- F. No racing-type motorboats or vessels, i.e., hydroplanes, or jet skis, so-called, shall be operated at any time on any freshwater pond within the Town of Eastham. Hydrofoils may only be operated on Great Pond.
- G. Gasoline tanks shall not be filled while a boat or vessel is in the water or within 50 feet of the edge of a freshwater pond.
- H. No motorboat or vessel shall be used for waterskiing except on even-numbered days. Tow lines shall not exceed 75 feet in length and only one skier may be towed per boat. All waterskiing shall be conducted in a counterclockwise direction, and all stops and starts shall be in deep water (five feet or more.)
- I. No waterskiing shall be allowed on any freshwater pond other than Great Pond.
- J. Hours for waterskiing shall be from 10:00AM ~~7:00 a.m.~~ to ½ hour before sunset.

Motion to Amend and change “J” from 10:00AM to 7AM

Passed – Majority vote declared by Moderator

Count: Yes 160 No 82

Amended Article Passed–Majority vote declared by Moderator

Count: Yes 200 No 37

ARTICLE 14B (GENERAL BYLAW – BOATING /SALTWATER & OTHER)

A motion was made and seconded by the Select Board to amend the Eastham General Bylaws - Boating, Chapter 30 as follows:

UNDERLINE = Proposed New Language
~~STRIKETHROUGH~~ = Proposed language for deletion
(language in parenthesis and italics) = general comments

Town of Eastham **BOATING BYLAW**

Article SECTION I. Definitions.

§ 30-1 - Definitions. As used in this bylaw the following terms have the following meanings:

Personal Watercraft - A vessel usually less than 16 feet in length (measured from end to end over the deck excluding shear) which uses an inboard, internal combustion engine powering a water jet pump as its primary source of propulsion. The vessel is intended to be operated by a person or persons sitting, standing or kneeling on the vessel rather than within the confines of the hull. Personal watercraft includes vessels commonly referred as jet ski, waverunner, wavejammer, wetjet, ~~ski~~-sea-doo, wet bike, and surf jet.

Waterskiing - For the purpose of this bylaw, shall include towing or manipulating a surfboard, inner-tube or other similar watersport device towed or riding the wake behind a motor vessel.

Vessel - includes all types of watercraft including non-displacement craft and seaplanes used or capable of being used as a means of transportation on water.

Hydrofoil – a motorized surfboard designed to lift the vessel above the water surface as it gains speed.

SECTION II – General Regulations.

§ 30-2. Applicability. This bylaw is issued under the authority of Massachusetts General Laws Chapter 90B, Section 15. The bylaw is intended to promote the protection of public safety and welfare by encouraging voluntary compliance, and by deterring noncompliance through penalties and fines. This bylaw shall apply to all persons, vessels or objects on or using the waterways of the Town of Eastham.

§ 30-3. Horsepower limit.

§ 30-4. Operation near swimming areas. No motorboat or vessel shall be operated within 150 feet of any swimming area designated by the Board of Selectmen and marked by buoys.

§ 30-5 – Operation on Freshwater Ponds

§ 30-6. Waterskiing on Salt Pond prohibited. Waterskiing on Salt Pond is hereby prohibited.

~~§ 30-7. Violations and penalties.~~ ~~Violation of any of the above regulations shall be punishable by a fine of up to \$200 and/or loss of inspection permit with each violation constituting a separate offense. (Moved to 30-12.)~~

Article SECTION III. Personal Watercraft

~~§ 30-6. Definitions.~~ *(moved to Section 30-1)*

§ 30-7. Areas in which operation prohibited. Except as provided in § 30-9, the operation of personal watercraft is prohibited in the waters of the Town of Eastham in the following areas:

- A. Within the boundaries of the Cape Cod National Seashore as set forth in Public Law 87-126, 7 August 1961, 75 Stat. 293, and as most recently surveyed by the U.S. Department of Interior.
- B. Tidal waters of Town Cove, Nauset Harbor, Nauset Marsh, Hemenway, Salt Pond, Station Bay and any adjoining rivers, inlets, coves, embayments, ponds or harbors.
- C. Herring River (Bee's River so-called), Hatches Creek, Boat Meadow Creek, or within 100 yards of public beaches or designated town swim areas.

§ 30-8. Operation in prohibited areas by governments or for emergency purposes.

Personal watercraft may be operated within the waters described in § 30-8 as follows:

- A. The personal watercraft is owned or licensed by the United States, the Commonwealth of Massachusetts, or the Town of Eastham and/or County of Barnstable and used solely for official purposes and is clearly identifiable.
- B. The personal watercraft is needed for emergency purposes when there is reasonable belief that such use is necessary to protect persons, animals or property.

SECTION IV. No Wake Zones

30-9. No Wake Zones

1. Vessels shall operate at only headway speed so as to make no wake in all areas listed below:

- A. Vessels shall make no wake within 150 feet of bathers, swimmers, divers, piers, docks, floats, moored vessels, small boats propelled by means other than machinery, vessels not underway, shorelines used as swimming areas, or the shoreline. Wake is considered a part of the vessel, and vessel owners and operators are responsible for any damage or injury caused by their vessel's wake regardless of whether they are in a designated No Wake Zone.
- B. The number and location of "no wake" zones may be modified at the discretion of the Harbormaster, provided that such action is approved by the Select Board and that a two-week period for public comment is allowed prior to any change(s).

30-10. The following areas are classified as "no wake" zones:

- A. The entrance to Rock Harbor, including the entire inner basin.
- B. Hemenway Landing:
In the waterway nine-hundred feet northerly of the Hemenway Town Landing.
In the waterway in front of Fort Hill four thousand feet southerly of Hemenway Town Landing.
- C. The entirety of Cable Creek out to and including the Nauset Inlet mooring field, as designated by the Harbormaster.
- D. Herring River (Bee's River so-called), Hatches Creek, Boat Meadow Creek.

§ 30-9 11 Severability

If any section, paragraph, sentence clause, or phrase of this Bylaw is held invalid or unconstitutional, such portion shall be deemed a separate and distinct provision and such decision shall not affect the validity of the remaining portions of these Bylaw which shall remain in force and effect; and to this end, the provisions of this Bylaw are hereby declared severable.

§ 30-10 12. Violations and penalties. In addition to any other legal remedies that may be available, the Harbormaster or other designated enforcing person, may enforce this By-law by Non-Criminal Disposition. If a Non-Criminal Disposition process, as provided in Massachusetts General Laws, Chapter 40, Section 21D and Section 1-2 of the Town's General Bylaws is elected, then any person who violates the provisions of this bylaw shall be subject to the following enforcement fines and penalties.

The enforcing officer may give a written Warning for the first offense or shall impose the following fines:

First Offense: \$50.00

Second Offense: \$100.00

Third Offense and subsequent offenses: \$300.00

Each day or portion thereof shall constitute a separate offense. If more than one, each provision violated shall constitute a separate offense.

The Town may enforce this Bylaw or enjoin violations thereof through any lawful process, and the election of one remedy by the Town shall not preclude enforcement through any other lawful means

In addition to a fine, violation of any provision of this bylaw may, after a public hearing held by the Select Board, result in loss of any or all of the following Town permits for one year from the date of the violation: Shellfish Permit, Freshwater Launch Permit, Mooring Permit, Vessel Storage Permit.

Passed - Majority vote declared by Moderator

Count: Yes 193 No 18

ARTICLE 15 (COMMUNITY PRESERVATION COMMITTEE RECOMMENDED APPROPRIATIONS, RESERVATIONS AND PROJECTS) – Consolidated A-H

A motion was made and seconded by the Select Board to appropriate, pursuant to Massachusetts General Laws Chapter 44B, the recommended appropriations and reservations of the Community Preservation Act estimated annual revenues for FY 2022 as indicated in item "A" below. And, furthermore, to approve the recommended projects of the Community Preservation Committee listed below as items "B" through "H" and to appropriate and/or transfer the amounts, from the funding sources indicated, for the purposes described.

A. Appropriation and Reservations of Community Preservation Act FY 22 Estimated Annual Revenues

Appropriate and Reserve **\$1,058,731** of the FY 22 estimated annual revenues of the Community Preservation Act Fund as follows:

Reserve for Open Space **\$105,873**

Reserve for Historic Preservation **\$105,873**

Reserve for Affordable Housing **\$105,873**

Reserve for Active Recreation **\$105,873**

CPA Administration (appropriation for support expenses) **\$52,936**

Reserve for Appropriation (Budgeted Reserve) **\$582,303**

B. Fund Cape Housing Institute

Appropriate and/or transfer \$7,500 from the Community Preservation Fund Undesignated Fund Balance to provide funding to the Cape Housing Institute.

C. Fund Eastham Affordable Housing Trust

Appropriate and/or transfer \$300,000 from the Community Preservation Fund Undesignated Fund Balance to provide funding to the Eastham Affordable Housing Trust in support of housing assistance programs.

D. Fund Orleans Affordable Housing Project

Appropriate and/or transfer \$100,000 from the Community Preservation Fund Undesignated Fund Balance to assist in funding a proposed affordable housing development located at 19 West Road, in Orleans. The Select Board is authorized to enter into a grant agreement to set forth the terms of the grant, which may include acquiring an affordable housing restriction on said property, and to accept said restriction.

E. Fund Field of Dreams Playground Resurfacing Project

Appropriate and/or transfer \$70,000 from the Community Preservation Fund Undesignated Fund Balance to resurface the playground area at the Field of Dreams Recreation Facility.

F. Fund Nauset Lighthouse Preservation Efforts

Appropriate and/or transfer \$180,000 from Community Preservation Fund Undesignated Fund Balance to fund preservation efforts related to the preservation of the Nauset Lighthouse. The Select Board is authorized to enter into a grant agreement to set forth the terms of the grant.

G. Fund Sandy Meadows Interpretive Program

Appropriate and/or transfer \$7,130 from the Community Preservation Fund Open Space Reserve for the purpose of creating, purchasing, and installing interpretive signage, maps, and educational materials for the Sandy Meadow Conservation Area.

H. Fund Open Space Land Stewardship Program

Appropriate and/or transfer \$5,550 from the Community Preservation Fund Open Space Reserve for the purpose of creating a land stewardship program at the Town owned Higgins Property.

Passed - Majority vote declared by Moderator

Count: Yes 198 No 7

There were 205 voters present at the close of Town Meeting out of a possible 4,582. There being no further action of Town Meeting, the Selectmen moved and seconded a motion to dissolve Town Meeting at 1:53 PM. The Moderator declared Town Meeting dissolved after a unanimous vote by voters.

A True Copy Attest:

Cindy Nicholson
Town Clerk